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Crosby : The Seceded States - 1865.

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FROM

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Present Position of the Seceded States,

AND THE

RIGHTS AND DUTIES OF THE GENERAL GOVERNMENT IN RESPECT TO THEM.

AN ADDRESS

TO THE PHI BETA KAPPA SOCIETY OF DARTMOUTH COLLEGE,

JULY 19, 1865,

BY

ALPHEUS CROSBY.

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphans; to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations."—*Second Inaugural Address of PRESIDENT LINCOLN.*

"We all agree that the seceded States, so called, are out of their proper practical relation with the Union; and that the sole object of the Government, civil and military, in regard to those States, is to again get them into that proper practical relation."—*Last speech of PRESIDENT LINCOLN, three days before his martyrdom.*

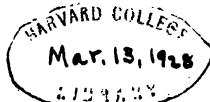
"The rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of North Carolina [Mississippi, &c.] of all civil government."—*PRESIDENT JOHNSON'S Proclamations for Provisional Governments.*

BOSTON:

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ADDRESS.

GENTLEMEN OF THE PHI BETA KAPPA SOCIETY, —How unlike the circumstances in which we have assembled to-day to those of our other recent anniversaries! Four years ago, — but what an age that seems to look back through! — what a vista of hopes and fears, joys and sorrows, levies and disbandings, successes and defeats, massacres and deliverances, crimes and penalties, sacrifices and rewards, while Freedom points to each saddest, bloodiest scene, as essential to her ultimate triumph! — four years ago, after your morning meeting, you listened, with other alumni of the college, to words of glowing patriotism from one whose college course was in part synchronous with your own; words uttered and heard with the deeper earnestness from the change which had just come of the hopes and first reports of a great victory the Sunday previous at Bull Run, to the certainty of a terrible defeat, an ominous rout. It was an hour of gloom; yet, none the less, of unbroken resolution to strive for the right. A thicker gloom hung over your next anniversary, for more confident expectations had now been blasted. There was no lack of brave and inspiring words, for any theme not relating to our country would still have seemed out of place; but, as we listened, we could not forget that the grand army of the Potomac, having forced its way up the peninsula to the very suburbs of Richmond, had been hurled back in a seven-days' battle, and was at Harrison's Landing awaiting transports for its safe removal. The next anniversary was cheered by happier auspices. The national conscience, and trust in God, had been upheld by the proclamation of universal emancipation; the colored man had been invited to make common cause with his white brother; and the very month in which you met had seen us the great victory of Gettysburg, with entire repulse or capture of the rebel leaders of the free States, and the reduction of Vicksburg and Port Hudson, with the opening of the entire Mississippi to our commerce, and a division of the rebel territory into two disconnected portions. I do not wonder that the scholar who then addressed you deemed that a strain of attention to national affairs might properly be relieved by a purely literary subject.

"The bow unbent recruits its force."

In the address to which you listened last year with other alumni, the demands of both literature and patriotism were met. But while you were quietly holding your annual meeting, Sherman was commencing those battles before Atlanta, which admitted him within the "hollow shell of the Confederacy;" and Grant, having fought his way from the "Wilderness" by those Titanic encounters which some even in New England persisted in calling defeats, — his whole course forsooth a retreat forward, — was patiently laying siege to Petersburg, and, through this, to the capital of the Confederacy.

But to-day, how changed is all! The war is over! Richmond is ours! The whole country is ours! The four rebel armies surrendered themselves in about as many weeks; and now, to Cape Sable and the Rio Grande, there is no resistance to the United-States authority. Our own armies are fast disbanding, as now useless.

"Thou art beautiful, O Peace!
Thou com'st like summer-beams,
Like the glad golden horn
Of Plenty in our dreams.
Lift up thy holy voice, —
It may not be in vain:
The earth's bright page, the golden age,
May glad the world again.
Let us love, — love on!"

THE GREAT PROBLEM.

But peace has its duties and its dangers no less than war. And, in a crisis like the present, when the great and peculiar problem of national reconstruction is set before us, and questions entirely new in human history are presented for solution, there is an especial demand upon educated men, men trained to the discussion of principles and methods, to address themselves to the most earnest consideration of this problem and its attendant questions. There is a Sphinx in the land, like that which, in monstrous form, and of demoniac ingenuity, desolated old Bœotia. She propounds enigmas, and on the same conditions as her prototype. If we can solve her riddles aright, she perishes; if we cannot, our country is lost. And these questions are no such insignificant puzzles as that proposed of old to Oedipus, but some of the deepest problems of national right, duty, and destiny. Here is one of them: "Where has the war left the seceded States? Are they in the Union, or out of the Union?"

THE FIRST ALTERNATIVE.

This is a very direct, and apparently a very simple question. But how shall we answer it? Shall we reply as many have done?—"Certainly they are in the Union. The acts of so-called secession, and all proceedings of pretended State authorities thereunder, were mere nullities, and of no force or effect whatever save as they might afford evidence of the treason of their authors. Withdrawal from the Union is an impossibility. Once a State, always a State. There can be no State-suicide."

The answer seems plausible; but how will it be received by the Sphinx Treason, or, to drop the figure, by those who have the spirit of treason, or sympathy with traitors? It will now be welcomed by them as precisely the answer which they wish to receive. At the commencement of the Rebellion, and so long as there was any hope of its success, they rejected this answer with scorn. "State Sovereignty" and "State Rights" were then their favorite cries. "The Federal Union," they averred, "was a mere voluntary association, from which each State had perfect liberty to withdraw whenever it pleased. The General Government had no right to coerce a sovereign State. To attempt this was the height of oppression, of tyranny." But this theory having utterly failed in the war, they now prefer that we should hold the opposite doctrine; and they are glad to press us to the logical results that follow from the doctrine. "If," say they, "the States which attempted to secede are still in the Union, they are in the Union under the Constitution, and in accordance with its provisions. For our Federal Union exists solely by virtue of the Constitution; and, if we set aside the provisions of the Constitution, we set aside the Constitution itself; and, if we set this aside, we destroy the Union at once. The sole bond of the partnership dissolved, the partners are no longer held together. The so-called seceded States, then, are still in the Union in accordance with the provisions of the Constitution: they are equal co-partners in the great federation, and are entitled to all the rights conferred by the Constitution upon such partners."

Is not this reasoning of theirs logical? If we admit that no States have actually seceded, and that those which made the attempt are still *States in the Union*, can we resist this conclusion? Let us then consider what rights these States, if still in the Union, have by the Constitution.

RIGHTS. — 1. CONTROL OF THEIR OWN INTERNAL AFFAIRS.

First, they have the unquestioned and absolute control of their own internal affairs, except so far as the Constitution interferes by direct provision. Nothing could be more express on this point than the language of the

tenth amendment. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." In the exercise of these powers, the several States may make and execute laws without any control from the General Government or other States. These laws may be wise or unwise, just or unjust, beneficial or ruinous, philanthropic or oppressive; but still, whether for good or evil, right or wrong, they are exempt from interference. They may provide for the education of all, or may make it a crime to teach a part of the people to read and write; they may confer the privilege of suffrage upon the people generally, or may deny it to large classes, even to a majority; they may allow all to testify in courts of justice, or they may prohibit those of one color from bearing witness against those of another color, thus practically placing the first at the mercy of the others, and for the most part denying them justice in case of fraud, or violence, or even murder; they may guard the freedom of all, or may make one part of the population the serfs of the other, slaves in all but name; nay, they may go farther, and reduce some who are now free to express slavery, and decree that children born hereafter shall be born into bondage; and this legislation must stand alike, whether the general sense and conscience of the country sanction or condemn.

"But," it is said, "the proposed amendment to the Constitution will secure the whole country from slavery hereafter." Yes, *if the amendment be adopted*, and from slavery in *express form*. But there may be a serfdom in some respects even worse than slavery itself; an oppression, degradation, and imbrutement of the laborer, in comparison with which slavery, alleviated by household relations and the kindness which an owner feels for his property, may seem a tolerable condition. History presents cases in which the down-trodden poor have asked the privilege of becoming the slaves of their rich neighbors. There is abundant evidence (as witness recent legislation in Tennessee) that a great effort will be made at the South to establish this serfdom, if slavery cannot be retained. But is it yet at all made certain that slavery cannot be retained or restored?

II. RIGHT IN RESPECT TO AMENDMENTS OF THE CONSTITUTION.

This brings us to the consideration of a second right, which the disloyal States have, if they are still States in the Union. They have the same power with an equal number of loyal States in respect to an amendment of the Constitution. For such an amendment, the ratification of three-fourths of the States, through their legislatures or conventions, is required. If the disloyal States are counted, the number of States in the Union is thirty-six; twenty

five loyal, and eleven disloyal. No amendment, then, can be made without the approval of twenty-seven States, or all the States but nine; so that the eleven disloyal States, who have combined in waging so desperate a war for the destruction of the country, and who perhaps hate the Union now worse than ever before, have more than the power requisite to prevent any amendment of the Constitution, even if all the loyal States should be unanimous in its favor. An amendment is now before the people for the removal from the land of our great stain, sin, and curse, — the chief blemish upon our institutions, disturber of our Union, author of the war, cause of degradation, ignorance, poverty, ill-will, crime, and suffering. Can the votes of twenty-seven States be secured for this amendment? The loyal States have not all voted upon it; but, even in the intenseness of our war upon slavery, three States counted as loyal voted against it. Is it impossible that the seductions of peace or party management may lead other loyal States to vote the same way? But if, as we hope, they may not, yet three votes of loyal States against the amendment will make five votes in its favor from disloyal States essential for its passage. Can we, then, be assured that those who have fought with such frenzy, sacrificing every thing, for the maintenance of slavery, will now, when amnestied they can express their feelings freely and securely, vote for its destruction? Will they wish so to gratify their conquerors, now hated with more intense bitterness because they are their conquerors? Will they, a proud people, wish so to pass sentence upon their own past conduct as unreasonable?

I know that, in some of these States, small bodies of men, representing mere handfuls of people, have claimed to be legislatures of the States, and, as such, have ratified the proposed amendment. But were they *constitutional* legislatures of the States; and, if not, had their action any constitutional validity?

If, then, the disloyal States are to be still counted as in the Union, what is the prospect in respect to this amendment, so essential to our full success in the great struggle of the last four years? We may ardently hope for its adoption; but what assurance have we that this hope will become reality?

III. RIGHT IN RESPECT TO DISMEMBERSHIP.

In the third place, no State in the Union can be dismembered without its own consent through its Legislature. Maine and Massachusetts were thus separated in 1820. If, then, Virginia, during these years in which it has been the seat of the rebel government, has been still a State in the Federal Union, was the creation of the State of West Virginia — the setting of this new star in our banner — a valid act? It is true that a certain legislature, consisting of West Virginians, approved

the act; but was this, in any proper sense, a legislature of Virginia according to the Constitution of the State? If not, what becomes of the act of Congress, Dec., 31, 1862, authorizing the new State of West Virginia? Shall we not be compelled to strike out one of the stars of our flag?

IV. RIGHT TO BE REPRESENTED IN CONGRESS.

All the States in the Union have a fourth right: that of being represented in Congress by two senators each, and by representatives according to their population, each State being entitled to at least one representative. The Constitution makes no exception whatever to this right; and it leaves to the States the absolute prerogative of determining who of its citizens shall have the elective franchise for choosing, either directly or indirectly, these representatives and senators. Its provisions are these:—

“The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.”— Art. I., sect. 2.

“The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof for six years.”— Art. I., sect. 3.

If, then, the disloyal States are still States of the Union, they have the right to choose, through their Legislatures, senators, and, by a popular vote, representatives, who will be entitled, at the next session of Congress, to take their seats at once in the Capitol, just the same as senators and representatives from New Hampshire and Massachusetts and Pennsylvania and Illinois. And neither President nor Congress can prescribe, in the one case any more than in the other, who shall exercise the elective franchise for the choice of these officers. Nor can either the President or Congress require any re-organization of these States preliminary to this election; and any imposition upon voters, by President or Congress, of an oath of amnesty, so called, must be a pure exercise of arbitrary power. Nay, more; if these States did not, by their secession and rebellion, lose their position as States of the Union, then *they had a right, during the whole war, if they had pleased, to keep their full quota of senators and representatives in the Congress at Washington, to war upon the North by speeches and votes, as they were doing elsewhere by arms; to oppose and vote down all appropriation of money, and levying of troops, to withstand their assaults; to fetter the hands, and malign the character, of the President, and of all loyal officers; to intrigue with disloyalists at the North (I will not insult a guiltless though poisonous reptile by applying its name*

to a Northern traitor), and scatter suspicion and sedition far and wide; to learn and expose all the plans of the Government; to concert more conveniently schemes of conflagration, infection, and rapine for Northern cities, and of explosion for Northern magazines; and to prepare more securely, and with deadlier certainty, plots of assassination for the patriots who stood most in the way of their demoniac designs.

"Monstrous! absurd!" you cry: "as if a man whose house had been robbed were bound to give up all his keys to the burglar; as if a poisoned man should take his medicine from the poisoner; as if an army on the battle-field should hire the enemy to furnish them with ammunition and load their guns; as if a beleaguered city must receive and keep within its walls a corps of the besiegers, free, armed, and possessed of all the powers and privileges of citizens." I admit the absurdity; yet these conclusions seem to me to follow inevitably from the premise that the rebel communities of the South have not lost their position as States of the Union.

"But," it is said, "there is ample protection against the admission of senators and representatives from the disloyal States in the prerogative of the Houses of Congress, if they choose to exercise it. The Constitution says that each House shall be the judge of the elections, returns, and qualifications of its own members. It may, therefore, refuse to receive members from any State at its pleasure." This is a great exaggeration of the common prerogative of legislative bodies. If a question arises whether a person claiming to be a member of one of the Houses of Congress has been duly elected, or whether the return of his election has been made in proper form, or whether he has the prescribed age, residence, or other qualifications for membership, that house is authorized to decide the question; but it has not the slightest right to say that persons duly elected, returned, and qualified, shall not be received because they come from particular States which are not in sympathy with the majority of the House. If it had, what a convenient method of securing unity would be presented! Do you not remember some majorities in the past that would have rejoiced at the discovery of this mode of keeping out of Congress such troublesome opponents as John Quincy Adams, John P. Hale, and Charles Sumner, and some, perhaps, that would not have been greatly unwilling to keep all New England "out in the cold"? If this prerogative of exclusion were established, what a terrible engine of party warfare it would become!

Such are the conclusions, so fraught with absurdity and peril, to which we are forced, if we adopt the principle that the so-called seceded States are still States of the Union. We start back from them in horror, as from a gulf of ruin.

THE SECOND ALTERNATIVE.

Shall we, then, if we are allowed to amend our answer, try the other horn of the dilemma, and say that the seceded States are out of the Union? We shall be met with the reply: "If these States are out of the Union, they must be so by virtue of their own acts of secession, and the measures which they adopted in confirmation of these acts; for no others have done any thing to put them out of the Union. These acts of theirs, then, even if unjustifiable, must have been valid, creating a separate nationality. Consequently, the war which we have been waging so long, has been, as the confederate government has always contended, an *international war*, and not, as we have insisted, a *civil war*, — the struggle of a nation to preserve its integrity against rebellion. The Southerners were, therefore, entitled in this war to receive the rights and privileges of belligerents, not only from the nations of Europe, but also from ourselves. Our treatment of the Southern territory as rightfully subject to our government, of Southern property as forfeited by rebellion, and of Southern men as traitors, has, upon this theory, all been wrong. Jefferson Davis should be esteemed another John Hancock, and Robert E. Lee a second George Washington. And what a long list of patriots in Edmund Ruffin, John B. Floyd, Jacob Thompson, Howell Cobb, Leonidas Polk, the Johnstons, the Hills, Beauregard, Longstreet, Ewell, Semmes, Mason and Slidell, Winder and Turner, and the host of their compeers! The great principle upon which the united North carried on the war was one of error and injustice; and the London "Times" was more correct in its view of our national affairs than Abraham Lincoln. We have been stronger than the South, but that makes no difference in respect to the right. It is now our duty humbly to confess our errors, and to make amends for the injustice in our treatment of that much-abused country."

We start back again, if not with as much alarm, at least with as keen a sense of absurdity. What, then, shall we do? If either answer opens the way to such a *reductio ad absurdum*, how is it possible for us, as a nation, to escape the necessity of either self-ruin on the one side, or self-condemnation on the other?

SOLUTION OF THE DIFFICULTY.

Let us consider. Is not there here an instance of what logicians call the *Fallacy of Equivocation*? Is not the word *Union* employed in two different senses, which need to be carefully distinguished, and the confounding of which has led to our difficulties? When used in a political sense, the expression "The Union" is commonly employed by us as a general or collective term for the United States of America. But the term "The United States"

s not uniformly used in respect to extent of application. When we speak of the several United States, the number of the States, the powers of the States, &c., we commonly mean by the term simply the States, strictly so called, which are united in our confederation, excluding the Territories; but when we speak of the United States as a country, the area of the United States, the population, wealth, power, &c., of the United States, we usually mean the whole country or nation subject to our government, including the Territories no less than the States. The synonymous term "The Union" is used with a like varying extent of application. It denotes more frequently the States which constitute the governing partnership of our united country, and is so used in the Constitution. In this sense it does not include the Territories which have not been admitted as governing partners in the confederation, and have consequently no vote in Congress. The term is also used, though less frequently, in a wider sense, to denote this whole nation united under one General Government, or, in other words, all the communities, whether States or Territories, which unite to form this great republic, and which are rightfully subject to our National Government. There is the *governing Union* and the *governed Union*, — the first a partnership, consisting only of States which have a share in the General Government of the country; the second, a community consisting of both States and Territories, protected, and, so far as national interests are concerned, governed, by this partnership. The States govern and are governed; the Territories are governed, but have no share in the General Government of the country, though they are allowed, or the most part, to manage their own internal affairs.

It is evident, therefore, that a community may be in the *Union* in one sense of the word, and not in the *Union* in another sense; for this is just the condition of the Territories and of the District of Columbia. In the one sense also no community is in the Union, except by its own voluntary action, in accordance with its own pleasure. The original thirteen States freely united to form the Union; and no State has been since admitted into the Union, except upon its own wish and application; and any State, at its pleasure, may virtually withdraw from the Union, in one sense of this word, by omitting to send senators and representatives to Congress. Participation in the governing partnership has always been voluntary; and it is so great a privilege and prerogative that we may doubtless always leave it so. But within the Union in the other and more extensive application of the word, the case is quite different. Since the first formation of our Government, connection with this has not been at all optional: no State or Territory is at liberty to withdraw from this connection. This is attested by the preamble to the Constitution, by

the entire absence of any provision for withdrawal, by the provision for the government of Territories, by the expressed opinions and purposes of the patriot statesmen who devised our Federal Government and the very objects of its establishment, by the usages of other governments, and by the great ends of government in general. That is really no government from which the governed, if we may so call them, are allowed to slip away at pleasure.

Still further, the privilege of governing may be, and often is, forfeited by misconduct; but this misconduct does not at all exempt the evildoer from the authority of government; on the contrary, it commonly renders him all the more conscious of it. Does not the principle apply with equal force to States as to individuals? May not a State, by evil acts, forfeit its privileged position in the Union as a governing partnership, while these acts cannot, of course, release it from its connection with the Union as a governed community?

It cannot certainly be urged, as some have attempted to do, that States, as such, are exempt in our Government from responsibility. The Constitution evidently does not so regard them: it prescribes what as States they shall do, and what they shall not do, and makes express provision for suits against them as responsible persons.

POSITION OF THE SECEDED STATES, IN FACT, AND OF RIGHT.

May not these considerations suggest to us an answer to the Sphinx's dilemma, which may prove both safe and true; viz., *that the seceded States are out of the Union in one sense of the word, and in it in another, — out of it as a governing partnership, but in it as a governed community?* Is not this the precise position which they now practically occupy? Have they, as States, any share whatever in the government of the country? I say, "as States;" for some individuals, now or lately resident in them, hold executive offices, and, highest of all, one of whom the seraph Abdiel was type, —

"Faithful found,
Among the faithless faithful only he;
Among innumerable false, unmoved,
Unshaken, unswerving, unterrified,
His loyalty he kept, his love, his zeal."

Yet even he owes nothing, for his exalted station, to the votes of his own State. On the other hand, are not these States even specially subject to the Federal Government? What is, then, their practical position? Simply that of Territories. They are in the Union so far as Territories are in the Union, and no farther. From courtesy or habit, we may call them States; but, in their practical relations to the Union, they are simply Territories. This is their condition *de facto*. Is it not also *de jure*? Have they a right to any other?

THEIR ACTS OF WITHDRAWAL.

By their own act they withdrew from the Union, as a governing partnership, and contemptuously renounced all their privileges in it. Is the action of States such child's play that they can spurn from them these privileges, and yet have still the same title to them as before? And for this withdrawal and renunciation they had, by the statements of their own leaders, no provocation, except that, being a minority, they could not always rule in the Union as they had done during the greater part of its existence. Their motto was the demoniac one, "Rule or Ruin." Thank God! they have not been able to ruin us in war; shall we now tamely permit them to rule or ruin us in peace?

THEIR ACTS OF FRAUD, ROBBERY, AND WAR.

After these acts of secession, or, in many cases, in anticipation of them, they seized by force or fraud all the United-States property they could lay their hands upon, — arms, ammunition, arsenals, navy-yards, custom-houses, forts; and traitors in power had violated their oaths, and abused the confidence reposed in them, by taking care that this property should be as large and as exposed as possible, and that the North should be deprived, as far as might be, of the means of defence. What reward are we bound to render for these acts of shameless robbery? They fired upon our flag because we would not yield every thing to their arrogant demands, and commit national suicide. They plotted to take our capital by force of arms, and to install treason and rebellion supreme in the highest and most sacred places of the nation. Confident of the success of the schemes which they had been so long concerting while we had been unsuspecting, boasting that their banner would soon wave in triumph over the Capitol at Washington, and wishing to take the fullest advantage of our unprepared condition, they proceeded without delay to direct, open, unprovoked war. Thus proceeding, they subjected themselves to the laws of war. This they well knew and understood, and were willing to abide the consequences, — consequences which, they believed, would be triumph for themselves, and humiliation for others. At least they were ready to take the risk. Nor were they ignorant of the laws of war. These laws have written themselves in blood upon so many of the pages of history, that they are, alas! too well understood. They knew, that, by these laws, they were throwing away the rights and privileges which they held by a peaceful compact. The fires of war burn up parchments. "By a state of war, that of society is abolished," is the sententious maxim of the eminent publicist, Burlamaqui. All friendly partnership ceases when men seize each other by the throat in a death-struggle. Knowingly

and voluntarily they committed to the dread arbitrament of war the whole subject of their relations to their before sister States. If conquerors, they would become independent, perhaps sovereign; if conquered, they must submit to the common lot of the vanquished; they must become a subject people, and their land conquered territory. Against all our remonstrances, our entreaties, our compromises, and even concessions, *they insisted on staking their all, and our all, upon this horrid game of blood; and they have lost, — thank Heaven, THEY HAVE LOST!*

And now do they come, and say that all this has meant nothing; that all these long years of mustering hosts, of crimson battle-fields, of sufferers' groans, of widows' tears, of orphans' cries, of prisoners' torments, have meant nothing; and that now we are bound to throw all up that we have gained, and play the game over again? Merciful God! *Play the game over again!* Yes: that is the meaning; that is what is really contained in every appeal for the indulgent treatment of the chivalrous South; that is still the dream of Southern ambition; if we do not secure what we have won, *that will be the result, and with what issue, God only knows.*

THEIR INHUMANITY.

Or will any one say that the South has waged the war with such peculiar honor and humanity, that the usual laws of war ought not to apply in this case? To what will he appeal in confirmation of this plea? To the surprises by which the war was sprung upon us? To the persecution of the loyalists of the South, by threats, confiscation, exile, imprisonment, hanging? To the schemes for desolating the North by conflagration, pestilence, and insurrection? To the plot for the murder of the President-elect, on his first approach to the scene of his labors? To the more successful plot for his assassination, with that of his chief coadjutors, as these labors were nearing the goal of accomplishment? To the refusal of quarter on the battle-field, the heartless massacre of the unresisting? To the prisons, in which so many thousands of patriot soldiers were shut up as sheep for the slaughter for heat and cold, hunger and disease, and the brutal tyranny of keepers to work their will, upon till death should come, or such exhaustion that they might be exchanged as those from whom nothing was to be feared in future. Where is the page of history on which the names of Belle Isle, Salisbury, and Anderso ville, can be fitly recorded?

So, by their own acts, by the laws of war, by the great axioms of universal law, the seceded States have forfeited and lost their position and all the rights and privileges which they held in the governing partnership of the country, while, by their failure in war, they still retained, and most justly, under the a

thority of the country. As a matter of fact, and as a matter of law, actually and deservedly, they hold the position of simple Territories in the Union. We shall see hereafter that they have been practically so regarded by the General Government. They would not be in the Union at all, and in any sense, were they not so through conquest. (The only position, therefore, which they can claim of right, is that of conquered provinces.) Any position above this must be granted them of mere favor. The rebel Gen. Thompson, in his recent farewell address to his troops, pithily expressed a clear comprehension of the real state of the case: "You must remember now that you have no rights, and can only claim such as may be given you by the conquerors; and the less you say about politics, until you have become naturalized, the better for you."

DUTIES OF THE GENERAL GOVERNMENT.

The great practical question now presents itself, "*What course ought the General Government to pursue in respect to the seceded States, as virtually Territories?*" Their condition as Territories gives them some peculiar claims upon our attention, consideration, sympathy, and benevolence. We are not to do them evil, but good, and all the good we can. We are not to ask how we can most punish them for their misconduct, but how we can best raise them to that height from which, by that misconduct, they have fallen. In most countries, Territories have been viewed as permanently subject to the ruling State; and no provision has been made for their elevation to political equality. But the course pursued in this country has been in marked and remarkable contrast to this. The thirteen original States, which fought through the long, hard fight for independence, instead of reserving to themselves any peculiar prerogatives on this account, as they might not unreasonably have done, generously threw the door wide open for the admission of new States with entire equality of power and privilege, and thus suffered themselves to be entirely outnumbered and overweighed in the scales of political influence. Does the history of the world show a parallel to the liberal, disinterested, paternal kindness with which Territories have here been treated? What would a statesman of Athens have said of the policy of admitting colonies to an entire equality with the mother-state? or an old Roman, of making subject provinces the peers of *the eternal city*?" But we have regarded Territories in our government simply as States in the condition of minority; co-heirs of all the wealth of the patrimonial estate, but not yet old enough to enter into the full possession of it; to be kept a while under guardianship, but upon the first approach of manhood to be robed in the *toga*, and made the full equals of their former guardians. The relation of the Gen-

eral Government to the Territories has been strictly a parental one; and, except in the crimes against Kansas, through the instigation of slavery, has, perhaps, never been abused. If there have been errors in the treatment of the other Territories, they have been those of indulgence rather than of severity. This parental relation now extends to the seceded States. What duties does it involve?

I. TO ESTABLISH TEMPORARY GOVERNMENTS.

First, to establish in each State a territorial, or, to use a more common expression, a provisional government, for the maintenance of order, and the security of the persons, property, rights, and general welfare of all the inhabitants, and for the preparation of the State for re-admission in full to the Union. The Federal authority, acting through Congress or the President, as the case may require, may, at discretion, organize this government in whatever way seems best; the good of the whole country, and that of the particular State, being kept constantly and alike in view. The General Government is of course established for the promotion of the general good, and must never sacrifice this object. On the other hand, a Territory is a ward under the charge of the General Government; and the usual obligations of guardianship apply in this case. The guardian must hold sacred the interests of his ward. Can these two objects conflict with each other? Never in reality, even if in appearance. Throughout society, there is an ordinance of its great Author, the all-wise and all-good, by which the highest and best welfare of each part is made to consist with, and to be essential to, the highest and best welfare of the whole; and the converse. "Whether one member suffer," says the Apostle Paul, "all the members suffer with it; or one member be honored, all the members rejoice with it." The wealth of all is made up of the wealth of each part, and then, by this mystery of infinite wisdom, power, and love, becomes as entirely and individually the possession of each part as though no other shared. "Oh the depth of the riches both of the wisdom and knowledge of God! How unsearchable are his judgments, and his ways past finding out! For of him, and through him, and to him, are all things: to whom be glory forever."

PRINCIPLES OF RE-ORGANIZATION.

Is the question now asked, "How can these provisional governments be best organized?" The details must, of course, be adapted to the varying circumstances of each State; and of these circumstances those who have the practical conduct of public affairs must judge. Besides, such governments have already been instituted in all the seceded States, which have

thus been practically recognized as virtually Territories; and I should have little disposition, even if it were not presumption, to attempt a criticism of measures which wise and patriotic statesmen have adopted according to their best judgment, and under a sense of heavy responsibility, for the welfare of the nation, and its constituent communities.

But there are certain general principles for this re-organization which seem to be plain. It is evident that it was proper to institute these governments with as little delay as practicable, so that the present chaos, so dangerous to life, property, liberty, and virtue, might be changed as speedily as possible to order and safety.

Is it not also plain that in these governments the civil element should be as large as security will allow, and the military as small? The arbitrary control and the unreasoning submission of army discipline, to say nothing of oppressive and corrupting influences associated with camps, are poor instructors in republican principles and methods of procedure. The provisional government should be as natural an introduction as possible to the permanent free institutions which, it is hoped, will soon follow.

By whom should this provisional government be administered? Evidently, so far as safety will permit, by the people themselves. No people, as no individual, can be rightly and efficiently trained to freedom and self-government, without the enjoyment, under proper checks, of freedom and self-government. The maxims, "A people should be kept in slavery till they are fit for freedom," and, "A people should not be intrusted with self-government till they are fully prepared for its exercise," are alike cunningly devised dogmas of the diabolical spirit of oppression and despotism. On these principles, an enslaved people would never be set free; an oppressed people would never come to the enjoyment of civil rights. These principles parallel in absurdity the celebrated resolution of the unpractical philosopher, recorded for us by the Greek humorist, that he would never go near the water till he had learned to swim.

EXTENT OF ELECTIVE FRANCHISE.

As the principles of our Government require that the people at large should be the depositaries of civil power, it is essential for the realization of these principles that the whole people should be trained as rapidly as possible to the exercise of this power. It is hence desirable, in these provisional governments, that the elective franchise should be made as broad as will consist with safety and order. The principle is plain enough; respecting its application there is great variety of opinion. Some contend, that, in the reconstruction of the seceded States, the ballot, and right of holding office, should be confined to the whites who have al-

ways been loyal. If this rule were adopted how many voters and office-holders could be found in South Carolina? Could a baker's dozen? Could many more be found in any one of the Cotton States? Some, therefore, would add to these the amnestied rebels. Experiments have been made of this course, and have shown in practice, what we should have anticipated, that this places the civil power in the hands of those,—

"Who, having sworn against their will,
Are of the same opinion still ;"

and not only of the same opinion, but of the same traitorous purpose, to be put in execution as fast as caution will allow. The oaths are taken, to a wide extent, with a mental reservation, like the subscription in England to the Thirty-nine Articles; and, in some instances, with avowed perjury. This perjury is even justified and recommended by influential papers at the South. "We have a right," they say, "to vote, and hold our property. Any obstacle, therefore, thrown in the way by an oppressive government at Washington, whose rightful authority we do not recognize, is in its own nature null. We may, then," they distinctly intimate, even if their expressions are somewhat less bald, "leap over it in contempt." The determination of the influential classes at the South is manifestly to keep just as much as possible of slavery, aristocracy, State sovereignty, and disloyalty; to make our victory as barren of result as they can; and, defeated by arms, still to conquer by political action and party intrigue.

SUFFRAGE WITHOUT DISTINCTION OF COLOR.

To secure a re-organization more favorable to justice and freedom, others would add to the loyal and amnestied whites the liberated blacks of the South. There are strong reasons in favor of this course. Those to whom, in the hour of our peril, we appealed to assist us by their arms, ought not now, in the hour of our safety, to be spurned back to serfdom. Are *national gratitude* and *national honor* mere words with us? Is there no gulf of meanness, into whose slimy and fetid waters we are not ready to plunge? *To sacrifice our friends to our enemies!*—in our obsequiousness to rebels, to bind our deliverers hand and foot, and give them over to infuriate men, who would delight in wreaking vengeance on them for our success, and for that aid of theirs which secured or at least hastened this success.

I will not say that we could not have conquered without the friendship of the colored people of the South; still it is probable that *we should not have conquered*; and, if we had done so, it must have been at much greater cost of time, treasure, blood, and suffering. They were our guides, our spies, our concealers, our nurses. The fugitive from Libby or Elss-

ence found food and shelter in their cabins, and those who would not only direct but accompany him on his way. The darling of a Northern mother was affectionately tended by a second mother, who studied every want, tried to soothe every pain, and, when nought availed, wiped off the clammy death-sweat, and closed the glassy eyes. As soon as we permitted it, they became our comrades on the battle-field, and with unblenching valor led the forlorn hope. One of our popular fallacies had been that the negro could not be a true *man*, because he would not fight; a fallacy strange enough in the mouths of those who were so often talking of the dangers of a negro insurrection, and the horrors of St. Domingo!

The colored man has shown in this war that he has an intelligence not to be deceived, a virtue not to be seduced, and a valor not to be daunted. Are not these the appropriate attributes of a citizen and voter? In what quality of manliness does he fall below the degraded whites of the South, the sandhillers and crackers of the Carolinas and Georgia? Or, to compare him with a different class, in the hands of which Robert would the vote be the safer, Robert Small or Robert Lee? When, therefore, it is urged that there is danger in intrusting the ballot to so many ignorant blacks, the answer is obvious: "True, but the danger is far greater of intrusting it to so many ignorant and disloyal whites. Loyal ignorance is, beyond comparison, less dangerous than disloyal ignorance. There is a certain instinct in virtue which keeps its possessor from going very far astray. But the instincts of vice are all for wandering. Worst and most perilous of all is disloyal intelligence. It has been this in the persons of such as John C. Calhoun, and Barnwell Rhett, and Henry A. Wise, and James M. Mason, and William L. Yancey, and John C. Breckinridge, and Jefferson Davis, that has brought upon us these indescribable woes and still more awful perils."

The truth is that there is no course that can be pursued with the disorganized communities of the South which is not fraught with danger, except as the General Government shall hold a firm, wise, and kind guardianship over them. Here lies all our security; and, with this, various methods might be pursued, and experiments tried, without very great risk. I am not at all disposed to condemn our President, who has given such proofs of ability, patriotism, firmness, and fidelity, for the course which he has seen fit to adopt. I confess that my own preference and judgment, from the light which I have, would be in favor of according the right of suffrage to the loyal and amnestied of the South, without distinction of color, but with the requisition of an ability to read and write. I cannot see how the ballot is affected by the complexion of the hand that throws it; but I do see how it is essentially affected by the *intelligence and disposition* that move the hand.

This requisition would also furnish a most valuable stimulus to ignorant whites and blacks to gain those elements of knowledge which would lift them to a higher plane of being. I do not like horse-races, and still less steamboat races; but here is a race which I should like to witness,—a race between whites and blacks, to see which will first win, on these conditions, the elective franchise. And, if I deemed it right to bet on the result, I would sooner stake my money on the blacks than on the ignorant whites. But such a competition would do both inestimable good.

Two objections, sometimes urged against this impartial suffrage, may, I think, be safely left to balance each other. One is, "The blacks of the South ought not to vote, because they will be governed at the ballot-box by antipathy to the whites." The other is, "The blacks of the South ought not to vote, because they will be governed at the ballot-box by the wishes of their white employers." Influences both of antipathy, and of sympathy or subserviency, will doubtless act upon black as they do upon white voters; and they will counteract each other in the one case as they do in the other. If they form a valid objection to negro suffrage, they must also to general white suffrage, and especially in the Southern States, as society is now constituted there. Even in New England, are not the poor influenced in voting both by jealousy of the rich, and by the wish to secure their favor? Shall they, therefore, be disfranchised? Society, both North and South, both in this country and in every other, is full of influences which are dangerous except as they neutralize each other; and this they do most effectually where there is the greatest freedom and equality. Must the great and the rich have all the power in the State secured to them, because, forsooth, others are inclined to oppose them, and yet others to be subservient to their wishes?

II. TO EXERCISE GUARDIANSHIP OVER THESE GOVERNMENTS.

We come to the second duty of the General Government in respect to the returning States during their period of novitiate. The provisional governments organized, it is then the duty of the General Government to exercise a careful guardianship and control over these governments. Congress has the right to legislate directly for these States, as for Territories; and, if it wisely and kindly permits local legislation, this legislation is conditioned on the express or implied consent of Congress, and without this has no validity. Congress has at any time the right to interfere, either to supply defects or to annul wrong acts in the local legislation. If the rights or interests of any classes are disregarded, Congress has the right and is bound to come forward with its sovereign prerogative over Territories, and make provision

for them. In like manner, the provisional governors of these States are agents of the President, and, as such, are subject to his direction and control. And, however he may spare the application of the term, our President is manifestly treating the returning States as virtually Territories, and under the national authority as such. Whatever may be the theory in words, such is plainly the practice. If now the President and Congress will faithfully exercise these rights and perform these duties of guardianship and control, there is little danger of serious evil or great wrong in the re-organization of these now disorganized and chaotic communities; but, otherwise, there is the most serious peril that almost every thing will go wrong. Every daily paper brings evidence that the dominant Southerners are coming back to us as the Bourbons returned to France, "having learned nothing, and having forgotten nothing;" intending and hoping, however names may differ, to have substantially, and to do substantially, just what they had and did before the Rebellion. God save the poor freedmen (that is the name, what is the reality?) from their new oppressions!

Look at some of the measures which have already been instituted. See the blacks debarred from all share in the Government, and thus deprived of all means of protecting themselves from the oppression of those who are enraged at their loyalty, and at their own defeat through this loyalty, and who are intent on demonstrating their oft-repeated assertion that "slavery is the happiest condition for the blacks." See them prohibited from leaving the plantations on which they are working, without passes from their masters (yes, masters,—the name has not lost its appropriateness), and liable to arrest and imprisonment if found abroad without one; so that they are not permitted, though theoretically as free as we are, to escape from tyranny without the leave of the tyrant. See them debarred from all right to claim the fulfilment of a contract, unless it is in writing, and witnessed by a white man. The contracts of white men, then, ought to be null, unless witnessed by black men. See the planters of seven adjoining counties meeting and fixing the compensation of colored laborers at \$5 a month for men, with a proportionate diminution for women and children; a pittance from which they must clothe themselves, and pay for medical attendance, if needed. See the colored man denied all privilege of testifying in courts of justice, in cases where a white man is concerned; so that that law whose "seat," according to Hooker, is the bosom of God, and whose voice the harmony of the world, the very least feeling her care, and the greatest not exempted from her power, becomes a paltry, partial institution, securing the rights of the whites from encroachment by the blacks, but not those of the blacks from encroachment by the whites. The white man may defraud his colored broth-

er with absolute impunity, if another white man is not witness to the transaction. He may rob him, he may plunder and burn his house, he may torture him as much as he will, and even take his life, before a crowd of witnesses; and he is perfectly safe, if there does not happen to be a white man in the company who will testify against him. The colored woman has no protection for her virtue from a white man's lust, unless, what will almost never occur, another white man, not a partner in guilt, is a witness of the crime.

I am not now speaking, as might be supposed, of the old laws of the palmy days of slavery, when the Dred Scot decision was pronounced, and Kansas was dragooned, and "Uncle Tom's Cabin" was written, but of recent legislation, and of regulations quite lately introduced or enforced. Witness the proceedings of the loyal Legislature of Tennessee, the State least committed to the Rebellion of all which seceded, and rules established in Virginia, one of the States in which slavery did not show its harshest form. If such be the spirit of these States, what must be the temper of the extreme South? "If they do these things in a green tree, what shall be done in a dry?" Of cases of hard-heartedness, cruelty, demon-like atrocity, making the blood to boil, there is no need that I should make mention, for what day passes without bringing us some credible account of them? Every breeze that comes to us from the South is still laden with groans and cries, and how eloquently do they appeal to our National Government to be faithful in exercising its rightful guardianship and control over still disloyal and slavery-loving communities! Let us pray daily that our President and the coming Congress will be faithful to their great trust.

III. TO RE-ADMIT CAUTIOUSLY AND SECURELY.

A third duty of the General Government is to admit the seceded States into the Union as a governing partnership when they give proof that they will become good members of such a partnership. Why do I mention this as a duty of the Government? Because the seceded States have any claim to be re-admitted to this partnership? Not in the least. They have no more claim to such a re-admission, than members of a commercial partnership, who had violently broken away from it and endeavored to ruin it, maligning its credit, destroying its goods, burning its warehouses and ships, and even seeking the lives of the remaining partners, would have, when defeated in their plans, to come back into the partnership, and enjoy again their former share of its property and profits. They have, as a matter of right, the same claim which Milton's fallen angels would have had, after their desperate battles and entire overthrow,—when

"Headlong themselves they threw
Down from the verge of heaven, eternal wrath
Burned after them to the bottomless pit," —

to rise as soon as they were rested; to form themselves into a procession, with Satan at their head, and Moloch, Belial, Mammon, and Beelzebub, leading divisions; to march up the height from which they had fallen, and, knocking vehemently at heaven's gate, to demand re-admission and restoration to their former seats of dignity and power. No: the obligation rests on no right of rebels not to suffer the natural consequences of rebellion, but on the implied principles of our Government, one of which seems to be this, that there is to be no permanent inequality among the associated communities which constitute our nation; just as it is an avowed principle in that immortal document which lies at the foundation of our national existence, that all men are created equal. The genius and form of our Government are adapted to an association of equal States, not to an aggregation of dominant and subject States. The observance of this principle, and of national usage, will lead to the re-admission of the rebel States as soon as they are prepared for this boon. It is to them simply an unmerited boon. The Constitution says, "New States may be admitted by the Congress into this Union:" it does not say: "shall be admitted," but "may be admitted;" and it leaves to Congress the absolute determination of the conditions of admission.

How soon, then, will it be proper to receive into the *Union as a governing partnership*, the seceded States? As soon as they are prepared to become friendly and good members of this partnership; to co-operate faithfully and fraternally in promoting the objects for which it was formed. To re-admit these States with the principles and spirit which they have heretofore cherished, and which have been intensified and inflamed by four years of war, would be the same as if the members of a business firm should receive into their association men who they knew were determined to ruin their business, blast their reputation, and beggar their families; as if the owner of a vessel should receive on board, as passengers, men who he knew were resolved, as soon as they were in deep water, to scuttle his vessel, and, leaving all else on board to perish, to take the long-boat, and make off with all the money and other valuables they could carry; as if a man should welcome to his house villains who he was assured sought entertainment simply that they might rise in the dead of night, cut their entertainer's throat, violate his daughters, shoot down the other members of the family, and go off, leaving what was yesterday the abode of peace and joy only a lifeless and smoking ruin. There is such a thing as *friendship*; there is such a thing as *enmity*; and woe to the people that will not distinguish them, or, distinguishing them, will act as if they were the same!

And what are the objects for which our partnership was formed, and which we must rely upon re-admitting States to aid us in promoting and securing? There is here no uncertainty. They are expressly stated in the preamble to our Constitution: "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." Such are the explicit objects of our partnership; and no new partners can rightfully be admitted, whose influence would be adverse to these objects. In, a matter of such immense consequence, it is the manifest right and duty of Congress to keep all candidates for admission on probation as long as there is good reason for apprehending evil from their admission. What, then, is necessary for removing such an apprehension?

FIRST SECURITY.

First, the full renunciation, on the part of the seceded States, of the institutions and spirit of slavery. Slavery, whatever disguise it may have worn of State Rights, Aristocratic Honor, and Southern Independence, has been our real foe through this war of wars. Slavery instigated the war, carried it on, prompted its enormities, and, if spared, will reheat it as soon as it can. It is as natural an antagonist of freedom and free institutions, as darkness is of light, cold of heat, falsehood of truth, death of life. From the necessity of their being, the struggle between the two combatants must continue till one of them perishes. Are we freemen, and have we any question which of the two must perish, which *shall perish*?

It is not enough that there is a passive acquiescence, while the lovers of slavery cannot help themselves, in the proclamation of January 1, 1863. This will not prevent the seceded States, when re-admitted to the Union, from passing acts for the re-establishment, by degrees, of slavery. The General Government will then have no power to interfere with the institutions of these States, except in points expressly specified by the Constitution. They will then be fully in the Union, and, with these express exceptions, will have absolute control of their own internal affairs. Let no one say that this is mere idle alarm. The proofs are abundant that it is not so.

Nor is it enough that the Amendment to the Constitution now before the people should receive that ratification of nineteen loyal States, which, I cannot doubt, would rightfully establish its validity. This would prevent the renewal of slavery *pro forma*, but not *in re*. I need not repeat the proofs of this, which we must thank the slavocrats for having given us in time, before it should be forever too late. No: there must be a change in the States them-

selves which will prevent the ruling majority in them from wishing to revive slavery, or to establish serfdom in its place. Until this change has taken place, the reception of these States into the Union *must be fraught with terrific peril*. "Can a man take fire in his bosom, and not be burned?"

SECOND SECURITY.

For this change, and the harmonious union of North and South, it is essential, in the second place, that the aristocratic constitution of Southern society should be modified. Great land-holding barons have, in all ages and countries, despised those who live by the fruits of their own labor, and felt that they had the prerogative of domineering over them. The Southern barons, in that insolence which so long abused and insulted us, before it broke out into open war, only followed the general law. And if the baronial estates of the South are to continue with their old extent and privileges, whether they are tilled by slaves or serfs, this law will still continue to operate. We shall be cherishing a band of mighty men, the very instinct of whose condition will make them the enemies of democratic institutions, the haters of free schools, free speech, a free press, a free pulpit, free ballots, and those "mudsills of society," free laborers. The great landed estates of the South, therefore, must be greatly subdivided, and the number of land-owners greatly increased, before the seceded States can be safely re-admitted. For this essential reform, we need, besides the natural consequences of the war, a vigorous exercise of that confiscation which the war has abundantly authorized. We also need the adoption of every feasible measure for raising to new independence, intelligence, industry, virtue, and dignity, those poor whites, whom, as our Chief Magistrate has said with great force, the war has emancipated no less than the blacks. In the case of the former, no less than of the latter, much is still required to make the emancipation real and permanent.

THIRD SECURITY.

It is evident, in the third place, that the seceded States can never be safely re-admitted to the Union, while a large proportion, in some of them a majority, of the people are consigned to degradation by the constitutions and laws, and deprived of all power to protect their own interests and rights. Such a degradation and deprivation would be a plague-spot that would diffuse its virus through the whole body politic. Injustice is never safe. Oppression always reacts upon the oppressor. "Curses," says the Arabic proverb, "like chickens, always come home to roost." "I tremble for my country," said Jefferson, "when I reflect that God is just." The events of these last years have suffused his words with an intensity and emphasis of

meaning of which he himself had probably little apprehension. But if we refuse to learn the lesson of God's justice, and still dare the thunder-bolts of heaven by our oppression, by the sacrifice of our brethren to our selfishness and pride, what, oh! what, will be the second lesson? If the "chastisement with whips" is unheeded, what must be the "chastisement with scorpions"?

But, aside from the general peril of injustice, there are here various special dangers, which with trumpet-tongue, with more than the earnestness of Cassandra, call out to us, "Beware!" May it not be their fate, as it was hers, to be unheeded!

DANGER OF INGRATITUDE.

There is a peculiar danger, no less than infamy, in ingratitude. "The gods hate the ungrateful," is an old Grecian proverb; but men hate them as well. And if, in the hour of need, we called upon others to help us, and then, in the hour of success, gave them over to their enemies and ours, where shall we ever find friends and helpers again? Who will venture hereafter to run the risk of coming to our aid, when we have shown to the world how much safer it is to seek our destruction than our deliverance, and how much truth there is in the oft-repeated and oft-denied assertion, that "Republics are especially ungrateful"? If we suffer such a record on the page of history, what floods of tears will future generations shed to blot out, if it were possible, the damning shame and the abiding curse!

PROOF OF CONTINUED DISLOYALTY.

But, again, the degradation of our colored friends of the South, and the denial to them of the rights of citizenship, will show that the spirit of slavery is still dominant there; and consequently that the ruling majority is still disloyal in heart, however it may be in profession. We began our national career with the predominance of the spirit of liberty and equality; and then freemen were allowed to vote, without respect to color, in nearly all the States South as well as North.

"In 1789," says Judge Kelley, in his noble speech in Congress, of last January, "at the time of the adoption of the Constitution of the United States, there was but one State whose Constitution distinguished in this respect against the colored man. This odious distinction, so fraught with unforeseen but terrible consequences, marred the Constitution of South Carolina alone."

But as the spirit of slavery revived from what our fathers fondly believed its death wound, and gradually grew to its late dominant power, State after State changed its Constitution or laws so as to drive the free colored man from the polls. Even one of the New-England States, to her shame be it spoken

bowed the knee to Baal, changed her Constitution in accordance with slaveholding wishes, and was rewarded for it by Southern patronage. The peddlers of Connecticut sold the birthright left them by Roger Sherman and Oliver Wolcott for a mess of pottage.

INTRUSTING THE BLACKS TO THE SOUTHERN WHITES.

This decline from the spirit of our Revolutionary Fathers should warn us of the danger in consenting to a plan which some propose. "Oh, yes," say they, "the colored people ought to have, at some time, the right of suffrage; but they are not yet prepared for it. The best course, therefore, would be to receive back the seceded States with the right of suffrage restricted to the whites, trusting and believing that these will exercise a kind guardianship over the blacks, and grant them, with other civil privileges, the elective franchise as soon as they are prepared for it." All history shows how reluctant those who have a monopoly of power are to part with the monopoly, and share the power with those who have been deprived of it. The welfare and honor of the State, that is to say, their own interest, dignity, and wealth, will, they are satisfied, be better taken care of if they keep the power in their own hands. The lower class need more education before they can be prepared to take part in the government. And then, when it is proposed to provide this education for them, it is objected that this education would only unfit them for their present station, and make them discontented with a condition above which they can never rise. By a singular kind of dilemma, not recognized in our books of logic, they must not be elevated till their education is improved; and their education must not be improved, because they would then desire to be elevated. We know how this kind of reasoning has heretofore been wielded for the continuance and increase of the degradation of the free colored man. What reason have we to think that it will not still be so wielded, if we leave any room for its exercise?

And look at the history of reform in England. What a warfare have aristocratic selfishness, prejudice, pride, and sophistry waged against every effort for elevating the condition of the laboring masses! The parliament just dissolved was one of the most enlightened and liberal which England has ever had. Yet the very moderate proposition for extending the privilege of suffrage from those paying ten pounds to those paying six pounds rent was recently voted down by a decided majority. If the seceded States are re-admitted with the civil power monopolized by the whites, we needlessly permit a monopoly which will probably not be broken till after a long struggle, — a struggle which we must expect to leave as a legacy of sorrow to future generations. Perhaps the

only means which will be found of overthrowing the monopoly will be another war, — probably a war between the oppressed and their oppressors, and in which the General Government will be called upon to take up arms in behalf of the oppressors. "The Almighty has no attribute," you recognize the fearful words of Jefferson, "that can take side with us in such a contest."

In our calculations for the future, nothing would seem more certain than this, that, if we give the ballot to amnestied rebels, to the exclusion of loyal blacks, and receive back the seceded States in this condition, the power in these States will be in the hands of men who are rebels in spirit, — haters of the Union, haters of the North, haters of free institutions and equal rights. The seats of Congress will be filled again with new Calhouns and McDuffies and Brooks and Keitts and Footes and Wigfalls, who will come up to the Capitol year after year, banded to do all in their power to check the prosperity of the loyal States, to promote a separate Southern interest, to browbeat Northern patriots, and to intrigue with all whom they can seduce from the path of integrity and honor. Alas that recent political movements at the North should show that there are so many among us ready to co-operate with them upon the first opportunity! Alas that even the fair State whose hills so smile upon us from across the river, the State "whose star," it is said, "never sets," should have been dishonored by such resolutions of sympathy with slavery and treason as those which were recently adopted there, in a State Convention of a political party bearing a once-glorious name!

OUR NATIONAL DEBT.

We have a great national debt, — great, yet the cheap price of our national integrity, — great, yet small in comparison with our resources. Our Government was formed, in the words of the Constitution, "to establish justice, and provide for the common defence." Justice requires that an honest debt should be paid, that borrowed money should be duly returned. Provision for the common defence requires that our national credit should be maintained; for, if this fails, who will lend us in a future emergency? But this debt was incurred in conquering rebels; and will those rebels returned to power be inclined to vote appropriations for paying principal or interest on the means of their defeat? Those rebels incurred a similar debt in maintaining their rebellion; and, if the seceded States have disloyal majorities, will they not insist, that, if the one debt is paid, the other shall be also? And may they not find means, where such immense sums are involved, of bribing, directly or indirectly, selfish men from the loyal States to vote for the payment of both debts, or the repudiation of both?

Enormous charges against the national treas-

my are coming in from amnestied rebels for losses incurred by their own rebellion. What efforts will not be made by disloyal men returned to power to secure the payment of these charges, and thus a bounty to crime? We already hear mutterings of intended claims for compensation for the slaves emancipated by the war.

INCREASE OF SOUTHERN POWER IN CONGRESS.

In view of these and other dangers, it is a most serious consideration that the seceded States will come back, when they are re-admitted, with greatly increased political power. The next apportionment will give them representatives in Congress not merely for three-fifths of their colored population, but, by virtue of the acts of emancipation, for the whole of it. Mississippi, besides her representatives for 354,000 white inhabitants (I take the numbers of the last census), will then have representatives also for 487,000 colored inhabitants. South Carolina, with representatives for only 291,000 whites, will be represented in Congress for 412,000 blacks. All well enough if the colored people have a voice in choosing their representatives; but how monstrous that white minorities, besides choosing their own representatives as the inhabitants of other States do, should then have the additional power of choosing representatives for the colored majorities? If colored men are not to vote, manifestly there ought to be an amendment of the Constitution to apportion representatives according to the number of voters. Should an ignorant cracker of South Carolina have more power in the nation than two intelligent voters of New York or Ohio?

DANGER IN CASE OF FOREIGN WAR.

We are at peace with all nations, and we hope long to remain so; but we must not forget, in a world so filled with combustibles and friction-matches, that the flames of war may blaze forth at any moment. What assurance, then, can we have that States with disloyal majorities will not first fan the flame of war, and then take advantage of the crisis when our resources are all tasked by a great foreign war to secede again, and join the enemy against us?

But I will not prolong an argument which is already so cumulative. Is any argument needed to show that we cannot safely receive disloyal States to an equality with loyal States while they are still unwilling to admit loyal men to an equality with disloyal ones?

OBJECTIONS. — "THIS IS THE WHITE MAN'S LAND."

"But," say some, "the blacks ought never to expect, in this country, an equality with the whites. This is the white man's land, and not the black man's." Why so? "Because the

blacks are Africans, and not Americans." But were they not generally born in this country? "Yes, but their ancestors came from Africa." And did not our ancestors come from Europe? According to this argument, America can be only the red man's land, and not even his, unless, what few believe, he was indigenous here. As soon as we are ready to return to Europe, we may consistently demand that the black man should return to Africa.

"NATURAL ANTIPATHY BETWEEN THE RACES."

"But," it is next urged, "there is a natural antipathy between the two races, so that they cannot dwell together in harmony." This objection, however plausible it may seem to an ill-informed and fastidious Northerner, meets with derision from the Southerner. The whole constitution and complexion of Southern society show that it is utterly groundless.

"But you misunderstand me," says the objector: "I do not mean that the two races have a natural antipathy to living together, and with the closest possible intimacy; but that they have an antipathy to living together on terms of equality." Have both races this antipathy? "Of course not, — only the whites," who, having long enjoyed a social superiority, have now the same antipathy to living on an equality with those of darker color than themselves, which, in Europe, the royal families have to living on an equality with the nobility, and the nobility with the gentry, and the gentry with the middle classes, and the middle classes with the day-laborers; the same which, in India, the Brahmins have to an equality with the Rajpoots, and the Rajpoots with the Merchants, and the Merchants with the Sudras, and the Sudras with the poor Pariahs; the same which, everywhere, the rich have to equality with the poor, and the fashionable with the unfashionable. If civil freedom and equality must wait for the removal of all the silly, selfish, and wicked distinctions of caste, fashion, and rank, they can never come to bless mankind. If those of different races cannot dwell together with equal rights, then the minority ought, by the principles of our Government, to be subject to the majority; and in South Carolina and Mississippi, and perhaps now in some of the other States, the blacks ought to have the privilege of voting and holding office, and the whites, on this supposition, to be deprived of it. The majority prevailing, the Devil might be painted black in North Carolina, and white in South Carolina.

Thank Heaven! as men know more of each other, and have more friendly intercourse, the old antipathies of race are softening. The Englishman despises the Frenchman, and the Frenchman hates the Englishman, less than of old. The Spaniard and the Moor, the Venetian and the Turk, the Saxon and the Gael,

have less bitterness of mutual dislike. And the time is coming, gradually but surely, when *all men will dwell together on the face of the earth as brethren of one family*. With all our professions, shall our country be the last where this union is realized, and we be stigmatized as, above all others, hypocrites, — the scorn of the world, and the loathing of Him "with whom there is no iniquity, nor respect of persons" ?

I ask no pardon, in the crisis which has come upon our beloved country, for presenting to you such a theme. I felt that I ought not to speak, that I could not speak, upon any other. The crisis is imminent, and is rushing vehemently on to a decision which, —

"Swiftly made, will long endure."

It will not delay while we are agitating metaphysical subtleties, or discoursing of literary elegancies, —

"Reasoning high
Of providence, foreknowledge, will and fate, —
Fixed fate, free will, foreknowledge absolute ;"

or

"Sporting with Amaryllis in the shade,
Or with the tangles of Nereus's hair."

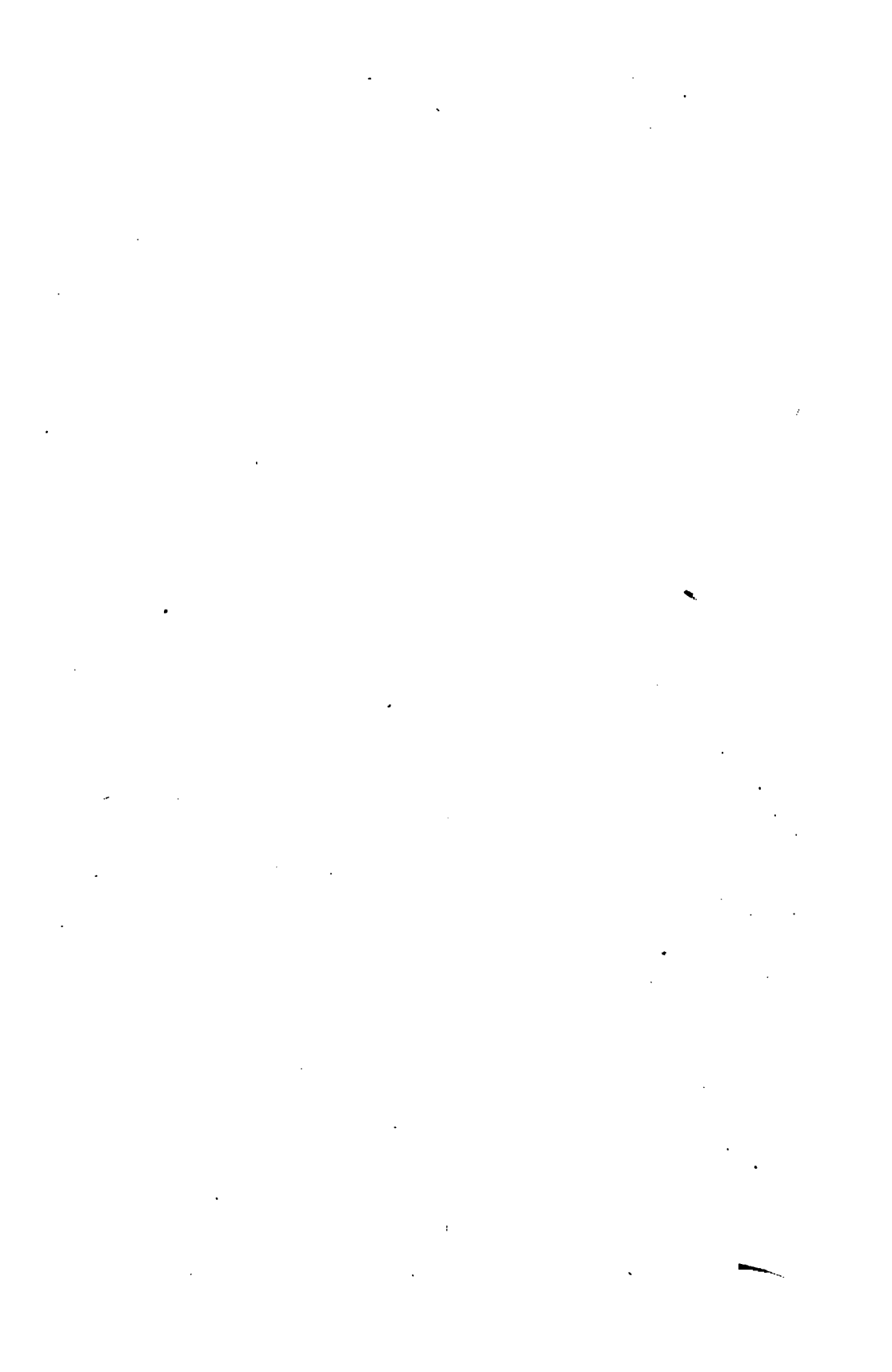
You are a society of scholars ; but you are not the less a society of men, of citizens, of patriots. You are not the less but far more bound, since study is the scholar's life, to study political theories, and weigh political measures. It is a great evil when those who are best qualified to judge of public affairs withdraw from participation in them, and from modesty, indifference, selfishness, or indolence, leave these vast interests wholly to the conduct of others. What an especial responsibility here belongs to you as men of study is taught you by the aphorism of the great statesman-philosopher of St. Albans, in his well-known essay on Studies : "Expert men can execute and per-

haps judge of particulars one by one ; but the general counsels, and the plots and marshalling of affairs, come best from those that are learned," — not the mere proficient in school learning, for Lord Bacon evidently does not mean these, but those that have been educated, in whatever way, to the exact and comprehensive study of human affairs, to the true philosophy of life and society. Cherish a deep sense of this responsibility. Consecrate your learning and ability, your thought and study, your energy and action, *under God, to your country and the world, to the cause of truth and right, of justice and humanity, of freedom and equality*. Indulge no selfish desire of setting yourselves apart from others, or gaining a position above others ; but, in the full spirit of the great commandment, love others as yourselves, and seek the welfare of all others even as your own.

How many new stars has this war placed upon our college and society catalogues ! How many new stars has it kindled in heaven ! Let us, while we cherish the memory of the fallen, — THE RISEN, — manfully take up the work which these martyrs of liberty have left us. See ! they hand to us the torch to press on in the race. The goal is not yet reached. Their labors are not complete without the supplement of ours. There are battles of peace as well as of war. They are here present with us, "a cloud of witnesses ;" they hear our vows of self-consecration ; they cheer us on, right on. They still strive in our efforts ; they triumph in our success. It is thus that

"They never fall who die
In a great cause. The block may soak their gore ;
Their heads may sadden in the sun ; their limbs
Be strung to city gates and castle walls :
But still their spirit is abroad. Though years
Elapse, and others share as dark a doom,
They but augment the deep and sweeping thoughts
Which overpower all others, and conduct
The world at last to FREEDOM !"

GOD HASTE THE CONSUMMATION !







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